

REMARKS/ARGUMENTS

In the Office Action of November 28, 2008, claims 1, 2, 5 and 8 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Hellmark (U.S. Pat. No. 6,504,863). Claim 4 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hellmark in view of Zhodzishsky et al. (U.S. Pat. No. 6,219,376, hereafter “Zhodzishsky”). Claims 6 and 7 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Abraham et al. (U.S. Pat. Pub. No. 2005/0080561, hereafter “Abraham”) in view of Hellmark. Claims 9-11 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hellmark in view of Abraham. Claim 3 was objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Additionally, the drawings were objected to. Claims 1-7 and 11 were rejected under 35 U.S.C. 101. Claim 4 was rejected under 35 U.S.C. 112, second paragraph.

In response, claims 1 and 4 have been amended. Additionally, claims 3 and 11 have been canceled. Applicants hereby request reconsideration of the application in view of the claim amendments and the below-provided remarks.

Allowable Subject Matter

Applicants appreciate the Examiner’s review of and determination that claim 3 recites allowable subject matter. In particular, the Office Action stated that claim 3 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicants have rewritten claim 3 in independent form by amending claim 1 to include all of the limitations of claim 3. As a result, claim 3 has been canceled. Thus, Applicants respectfully submit that amended claim 1 is now in condition for allowance. Dependent claims 2 and 4-10 depend from and incorporate all of the limitations of the independent claim 1. As a result, Applicants respectfully assert that claims 2 and 4-10 are allowable at least based on an allowable claim 1.

Accordingly, Applicants respectfully assert that claims 1, 2, and 4-10 are now in condition for allowance.

Objections to the Drawings

The drawings were objected to under 37 C.F.R. 1.83(a) as allegedly failing to show any description to elements of drawing as described in the specification. The current application is a U.S. National Stage application. The labeling of figures with text matter is prohibited under PCT Rule 11.11, except when absolutely indispensable for understanding. Further, MPEP 1893.03(f) states that “[t]he USPTO may not impose requirements beyond those imposed by the Patent Cooperation Treaty (e.g., PCT Rule 11).” Applicants submit that the addition of description to individual drawing elements is not “absolutely indispensable” because the individual drawing elements are identified and described in the specification. In view of the above rules, Applicants respectfully assert that additional description is not required in the drawings of the current application, and thus, request that the objection to the drawings be withdrawn.

Claim Rejections under 35 U.S.C. 101

Claims 1-7 were rejected under 35 U.S.C. 101 because the claimed invention was allegedly directed to non-statutory subject matter. In response, Applicants have amended claim 1 to add the phrase “in a GPS receiver.” Support for the amendment to claim 1 is found in Applicants’ specification at, for example, page 4, lines 2-4. Applicants respectfully submit that amended claim 1 is directed to statutory subject matter because claim 1 recites a process tied to another statutory class. In particular, claim 1 recites a process tied to a particular apparatus - a GPS receiver. Thus, Applicants respectfully request that the rejection to claim 1 under 35 U.S.C. 101 be withdrawn. Dependent claims 2 and 4-7 depend from and incorporate all of the limitations of the independent claim 1. Thus, Applicants respectfully request that the rejection to claims 2 and 4-7 under 35 U.S.C. 101 be withdrawn as well.

Claim 11 was rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In response, Applicants have canceled claim 11.

Claim Rejection under 35 U.S.C. 112

Claim 4 was rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In response, Applicants have amended claim 4 to replace the phrase “the first or second” with the phrase “the first and second.”

Additionally, Applicants have amended claim 4 to replace the phrase “either the first or second” with the phrase “the first and second.” Thus, Applicants respectfully request that the rejection to claim 4 under 35 U.S.C. 112 be withdrawn.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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